



Department of Planning, Housing, & Community Development

Mayor, Matthew T. Ryan
Director, Tarik Abdelazim

STAFF REPORT

TO: Planning Commission Members
FROM: Planning, Housing and Community Development
DATE: September 25, 2013
SUBJECT: 387 State Street; Series A Site Plan Review / Special Use Permit
TM ID #: 144.81-2-5
CASE: 2013-06

A. REVIEW REQUESTED

This application would legalize a Taxicab/Personal Transport Business, Yellow Medi-van & Taxi, at the property known as 387 State Street. The site is located in the C-1 Service Commercial District. This use requires Series A Site Plan / Special Use Permit approval from the Planning Commission.

The proposed site plan indicates that the structure located at 387 State Street would be utilized as a dispatch office, in addition to containing 3 repair bays and 6 lifts for the maintenance of vehicles. The application also indicates that the business will operate seven days a week, twenty-four hours a day. A fleet of 28 vehicles, including 17 taxis, 10 medivans, and 1 bus, will be kept on the premises. The site will only be frequented by the 20 employees of the company.

B. STAFF COMMENTS

Currently the existing asphalt of the parking area extends out to the curb line. The proposed site plan illustrates that a concrete curb will be installed along the curb line and that a 5-foot landscape buffer would be placed between the sidewalk and the parking area. Staff recommends that the Planning Commission require that landscape details of the buffer, including size and species of proposed plant materials, be submitted prior to the public hearing. Staff also recommends that the Commission include the conditions of approval listed in Section G.

C. STANDARDS FOR APPROVAL OF SITE PLANS

Listed below are the ***Standards for approval of site plans*** found in Article IX of the Zoning Ordinance. In reviewing a Series A Site Plan application, the Planning Commission is guided by the existing characteristics and conditions of the site, its surroundings, and the particular requirements of the Applicant. Elements of concern include, but are not limited to the following:

- Movement of vehicles and people
- Public safety
- Off-street parking and service
- Lot size, density, setbacks, building size, coverage and height

- Landscaping, site drainage, buffering, views or visual character
- Signs, site lighting
- Operational characteristics
- Architectural features, materials and colors
- Compatibility with general character of neighborhood
- Other considerations that may reasonably be related to health, safety, and general welfare

In addition, the general requirements described in Section 410-40 and Section 240-4 must be complied with. The requirements for Section 410-40 are as follows:

1. That the land use or activity is designed, located, and operated so as to protect the public health, safety, and welfare.
2. That the land use or activity will encourage and promote a suitable and safe environment for the surrounding neighborhood and will not cause substantial injury to the value of other property in the neighborhood.
3. That the land use or activity will be compatible with existing adjoining development and will not adversely change the established character or appearance of the neighborhood.
4. That effective landscaping and buffering is provided as may be required by the Planning Commission. To this end, parking areas and lot areas not used for structures or access drives shall be improved with grass, shrubs, trees, and other forms of landscaping, the location and species of which shall be specified on the site plan.
5. That a site plan shall be approved in accordance with applicable provisions of Article IX of the Zoning Ordinance.
6. That adequate off-street parking and loading are provided in accordance with Article X of the Zoning Ordinance or other requirements as may be set forth in Section 410-41, and egress and ingress to parking and loading areas are so designed as to minimize the number of curb cuts and not unduly interfere with traffic or abutting streets.
7. That site development shall be such as to minimize erosion and shall not produce increased surface water runoff onto abutting properties.
8. That existing public streets and utilities servicing the project shall be determined to be adequate.
9. That significant existing vegetation shall be preserved to the extent practicable.
10. That adequate lighting of the site and parking areas is provided and that exterior lighting sources are designed and located so as to produce minimal glare on adjacent streets and properties.
11. That the land use or activity conforms with all applicable regulations governing the zoning district where it is to be located, and with performance standards set forth in Section 410-24 of

the Zoning Ordinance, except as such regulations and performance standards may be modified by the Planning Commission or by the specific provisions of Section 410-41. Notwithstanding the above, the Planning Commission shall not be authorized to modify the land use regulations of the Zoning Ordinance.

D. SITE REVIEW

387 State Street is located in the C-1, Neighborhood Commercial District on the west side of W State Street between State Street and N Way Street. The proposed business would occupy the entire structure at 387 State Street. Vehicles would also be kept on-site in the parking area.

Land use in the vicinity of the subject property is mostly Service Commercial, with a significant presence of Multi-Unit Residential dwellings immediately to the southeast of the site. Commercial uses in the area include Ziebart Rhinolining to the South and Ann Marie's World of Beauty, the Mosquito Lounge, McDonald's, and Lupo's all to the North along State Street. Residential use in the area is concentrated along Prospect Avenue, and consists of 2-3 family detached houses and a complex of attached townhouses.

E. PREVIOUS ZONING BOARD & PLANNING COMMISSION ACTIVITY

339 State Street

- In April of 2006, the Planning Commission approved a Special Use Permit to demolish an 8,000 square foot building and construct a 22,000 square foot addition to an existing light manufacturing and warehousing facility in an IND, Industrial District.

369 State Street

- In May of 2005, a use variance application to demolish an existing building in a C-1, Service Commercial zoning district and construct an auto parts store was submitted. It was subsequently withdrawn before a decision was made by the ZBA.

435 State Street & 10-12 W. State Street

- In June of 2010, the Planning Commission approved a Special Use Permit for the redevelopment of Stowe Plaza into general office space and a supermarket in addition to existing retail.

F. ENVIRONMENTAL IMPACT

The applicant's proposal is a SEQR **Unlisted** Action. The Planning Commission may be the lead agency to determine any environmental significance.

1. Motion to determine what type of action:
 - a. Type I
 - b. Type II

c. Unlisted

2. Determine Lead Agency and other involved agencies.
3. Motion to schedule a public hearing.
4. After the Public Hearing, Determination of Significance based on:

Existing air quality, surface or groundwater quality or quantity, noise levels, existing traffic pattern, solid waste production or disposal, potential for erosion, drainage or flooding problems?	Aesthetic, agricultural, archaeological, historic or other natural or cultural resources; or community or neighborhood character?	Vegetation of fauna, fish, shellfish, or wildlife species, significant habitats, or threatened or endangered species?	A community's existing plans or goals as officially adopted, or a change in use or intensity of use of land or other natural resources?	Growth, subsequent development, or related activities likely to be induced by the proposed action?	Long term, short term, cumulative, or other effects not identified in C-1-C5?	Other impacts (including changes in use of either quantity or type of energy)?
X	X	X	X	X	X	X

G. STAFF FINDINGS

Planning Staff has the following findings:

1. The Planning Commission must determine if the requirements of Section 410-47 for a Series A Site Plan Review have been met.
2. The Planning Commission must determine if the general requirements as set forth in Section 410-40 for a Special Use Permit have been met.

Staff recommends the following conditions of approval:

If the Planning Commission should choose to approve this application, Planning Staff suggests that the approval be granted with the following conditions:

1. Prior to the issuance of a certificate of occupancy a the applicant shall install a sidewalk along the entire W State Street frontage subject to City of Binghamton standards and specifications;
2. Prior to the issuance of a certificate of occupancy a 5-footlandscaped buffer strip shall be installed along the entire W State Street frontage, driveway excluding. All plantings illustrated on the approved plans shall be installed.

3. Prior to the issuance of a certificate of occupancy, the abandoned sign pole shall be removed from site;

H. ENCLOSURES

Enclosed are copies of the site plan, the application and site photos.

Report Prepared by:
Tito Martinez